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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,749	12/08/2003	Kunio Harada	8215.136	9376

7590 07/25/2005

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EXAMINER

BEAULIEU, YONEL

ART UNIT PAPER NUMBER

3661

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,749

Applicant(s)

HARADA, KUNIO

Examiner

Yonel Beaulieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/8/03&3/1/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuyama et al. (US 5,117,934).

Regarding claims 1 and 5, Tsuyama et al. teaches actuating a device in a drive system of a vehicle, using executable program (col. 8, lines 8 – 15 at least), based upon an emergent operation comprising detecting a vehicle speed before a start of deceleration (col. 7, line 61 – col. 8, line 7; col. 23, lines 17 – 18, 29 at least); detecting a negative acceleration (deceleration) due to a sudden braking (col. 20, lines 37 – 48 and col. 21, lines 46 – 61 at least); detecting a steering angle (col. 22, lines 15 – 17 and col. 23, lines 15 – 17 at least); determining (by way of electronic means 120/121) whether or not to change the drive system (col. 20, line 37 – col. 21, line 7 at least), but fails to explicitly teach separating a part of the vehicle driving force according to the determination.

However, Tsuyama et al. teaches a vehicle slip control system that controls wheel slip to converge on a predetermined target slip ratio when the slip ratio of the driving wheels exceeds a predetermined threshold. It would have been obvious to one

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of ordinary skill in the art at the time of the invention Tsuyam's teaching is at least fully functionally equivalent to the system claimed because Tsuyama has been shown to teach all of the features of a vehicle drive system necessary to achieve actuation of a device in an emergent operation.

Claims 3, 4, 6, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuyama (US '934) as applied to claims 1 and 5 above, and further in view of Suzuki et al. (JP 2000111394 A).

As discussed above, Tsuyama teaches all of the limitations except for the weight detecting means detecting a difference between a prescribed vehicle weight and a vehicle weight in running.

However, Suzuki et al. teaches, in an analogous art, weight detecting means detecting a difference between a prescribed vehicle weight and a vehicle weight in running (note abstract at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Tsuyama's teaching by including weight detecting means detecting a difference between a prescribed vehicle weight and a vehicle weight in running as evidenced by Suzuki et al. in order to enhance load weight value accuracy.

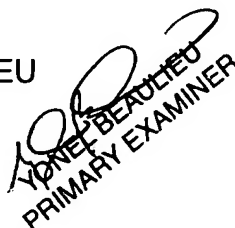
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (571) 272-6955. The examiner can normally be reached on M-W 9-3; F 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Y. BEAULIEU
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YONEL BEAULIEU
PRIMARY EXAMINER